



# 7 DAC/1636

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James J. Hickman, Douglas A. Kirkpatrick, and David A. Stenger  
Serial No. 09/880,138  
Filed: June 12, 2001  
For: Biosensor For Use In Toxicity Assessment and Pharmacological Screening  
Examiner: Unassigned Group Art Unit: 1636

**RECEIVED**  
MAY 14 2002

U.S. Patent and Trademark Office Box DAC, P.O. Box 2327 Arlington, VA 22202 ATTENTION: Office of Petitions	<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</b>
	I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO U.S. Patent and Trademark Office Box DAC, P.O. Box 2327, Arlington, VA 22202, ATTENTION: Office of Petitions. BY <u>Shirley Dow</u> SHIRLEY DOW MAY 6, 2002 DATE OF SIGNATURE

OFFICE OF PETITIONS

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)**

Petitioner, Science Applications International Corporation ("SAIC"), hereby requests that the United States Patent and Trademark Office reconsider its dismissal of the Petition To File Declaration For Patent Application By Joint Inventor On Behalf Of Nonsigning Inventor Who Refuses To Sign, And Statement Of Facts In Support Thereof, Under 37 CFR § 1.47(a) dated February 11, 2002 (the "Petition").

In an Action dated March 29, 2002, the Office of Petitions dismissed the Petition on the sole ground that the Declaration under 37 CFR 1.63 filed in connection with the Petition does not set forth the residence address of the nonsigning inventor, Dr. David A. Stenger.

Petitioner notes, however, that it, in fact, did include the last known business mailing address for Dr. Stenger in the Added Page To Declaration For Patent Application By Joint Inventor On Behalf Of Nonsigning Inventor Who Refuses To Sign or Cannot Be Reached (37 C.F.R. § 1.47(a)) attached to the Petition as Exhibit G and in the body of the Petition itself. As Dr. Stenger never was an SAIC employee, Petitioner does not have any record of Dr. Stenger's "last known residence address." Moreover, as indicated in the Petition, Petitioner located Dr. Stenger's business address over the Internet and successfully had corresponded with him via that address. As indicated in the Petition, Dr. Stenger since has stated that he declines to cooperate in the prosecution of the above-captioned application.

Nevertheless, upon receipt of the pertinent Action, Petitioner made additional efforts to locate Dr. Stenger's residence address by undertaking a thorough public records search. Thereafter, Petitioner located what appears to be Dr. Stenger's home address through real property records for the State of Virginia, Dr. Stenger's believed state of residence.

Accordingly, in order to cure any perceived deficiencies in the Petition, Petitioner encloses herewith a copy of the Inventors' Declaration under 37 CFR 1.63 that includes Dr. Stenger's residence address, as described above. The Declaration executed by Drs. Kirkpatrick and Hickman already was submitted to the Office in connection with the Petitioner's response to the Notice of Missing Parts on February 11, 2002.

Therefore, pursuant to 37 CFR 1.47(a), it is respectfully requested that the Commissioner reconsider its dismissal of the Petition.

Petitioner is not aware of any fees required in connection with this Request for Reconsideration. If, however, any fees are deemed to be due, then the Commissioner is authorized to charge any such fees and credit any overcharges to Deposit Account 50-1597. A duplicate copy of this paper is enclosed.

Respectfully submitted,

By: Edward G. Poplawski  
Edward G. Poplawski, Esq.  
Registration No. 33,439

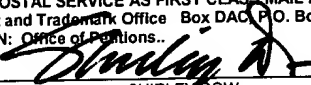
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: James J. Hickman, Douglas A. Kirkpatrick and David A. Stenger  
Serial No. 09/880,138  
Filed: June 12, 2001  
For: BIOSENSOR FOR USE IN TOXICITY ASSESSMENT AND  
PHARMACOLOGICAL SCREENING  
Examiner: Unassigned Group Art Unit: 1636

**SECOND REQUEST FOR CORRECTION OF FILING RECEIPT**

U.S. Patent and Trademark Office  
Box DAC, P.O. Box 2327  
Arlington, VA 22202  
ATTENTION: Office of Petitions

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED ON THIS DATE WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: U.S. Patent and Trademark Office Box DAC, P.O. Box 2327, Arlington, VA 22202, ATTENTION: Office of Petitions..	
 SHIRLEY DOW	Dated: May 6, 2002

Dear Sir:

Applicant notes that not all of the changes to the Filing Receipt requested in Applicant's Request for Correction of Filing Receipt, dated February 11, 2002, were incorporated by the Office in the corrected filing receipt dated March 26, 2002.

Accordingly, Applicant hereby respectfully requests that a further corrected filing receipt be issued regarding the above-referenced application, with changes noted in Exhibit A reflecting the total claims and total independent claims.

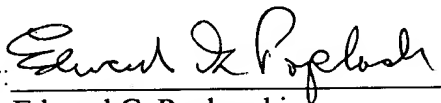
In support of this correction, Applicant submits a copy of the Utility Patent Application Transmittal (Large Entity) (Exhibit B), filed June 12, 2001 (see page 4) wherein page 4 refers to the number of total claims, and total independent claims. Also enclosed are pages 54-58 of the application as filed, which set forth the claims as filed.

The above-mentioned enclosures amply support the correction of the filing receipt to read "24" total claims as opposed to "28", and "3" independent claims as opposed to "6".

In addition, Applicant also renews its request that the designation "LLP" be added to the attorney name as shown in the marked-up version of the filing receipt.

As all of the above-requested changes previously were requested, Applicant believes that no fee is due. Nevertheless, in the event that the Office disagrees, the Commissioner is hereby authorized to credit overpayments or charge any fees required under 37 C.F.R. 1.16 or C.F.R. 1.17 to Deposit Account No. 50-1597.

Respectfully submitted,

By:   
Edward G. Poplawski  
Registration No. 33,439

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